IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8023 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

H J DHANAK

Versus

STATE OF GUJARAT

Appearance:

MR PRADEEP PATEL for Petitioner

MR PR JOSHI AGP for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 13/10/2000

ORAL JUDGEMENT

The petitioner before this court is the Senior Clerk serving under the respondent no.2 herein.

By order dated 15th October, 1992, the petitioner is ordered to be placed under suspension. It is alleged that while the petitioner was serving as a Senior Clerk at Guhai Irrigation Project, certain irregularities were committed in the construction work, and the large quantity of cement was disposed off by the petitioner in connivance with other officers. Feeling aggrieved, the petitioner has preferred the present petition. Pending the petition, on 29th December, 1992, this court (Coram : Mr.Justice N.B.Patel, as he then was) had made an order as under :

> Rule. In view of afflux of long time between occurrence of the alleged incident and the passing of the suspension order, interim relief in terms of para 15 (C). It is clarified that grant of interim relief does not place any restraint against the transfer of the petitioner.

It appears that the misconduct alleged was committed some time in the year 1984. In respect of the said incident, an FIR has also been lodged in Himatnagar Town Police Station on 10th August, 1984. In view of the above order, I see no justification in allowing the impugned order to operate now some 8 years after the date of the order and 15 years after the date of the misconduct. In above view of the matter, the petition deserves to be allowed in terms of the interim order dated 29th December, 1992.

Rule is made absolute in terms of the order dated 29th December, 1992. There shall be no order as to costs.

(MS R.M.DOSHIT J)

JOSHI